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January 12, 2006

**VIA EMAIL**

John S. Spadaro, Esquire  
Murphy Spadaro & Landon  
1011 Centre Road, Suite 210  
Wilmington, DE 19805

**RE: Eames v. Nationwide Mutual Insurance Company**  
**Our File No.: 0547-107521**

Dear John:

We are further responding to certain questions as requested in your January 5, 2006 email. The responses relate to the coverage at issue in the pending litigation -- Delaware PIP included in personal auto insurance policies issued by Nationwide Mutual Insurance Company. We hope this provides the broader understanding that you seek.

6. Are there occasions when Nationwide's (Nationwide Mutual Insurance Company) management issues instructions, guidances or suggestions to its insurance agents regarding the content or form of documents to be used in the sale of auto insurance products. If so, from whom do these instructions, etc. typically come? In cases where the instructions, etc. are in writing, how and by whom are they stored?

Response:

Yes. However, Nationwide does not direct or control the manner in which sales are made or what non-coverage documents may (or may not be) used by independent agents in individual sales. Communications in this regard would typically come from the State Regional Operations office. Written communications may be stored in a variety of places, including servers and Lotus Notes or in hard copy. Agents may also independently store such communications.

John S. Spadaro, Esquire  
January 12, 2006  
Page 2

7. Are there occasions when Nationwide's management issues instructions, etc. to its underwriting staff regarding the form or content of documents to be used in the sale of auto insurance products? What persons would typically be involved in such an exchange? How and where would records of such an exchange be found?

Response:

There are occasions when management communicates with underwriting staff relative to Delaware auto insurance policies. However, Nationwide does not direct or control what non-coverage documents may (or may not be) used by independent agents in the sale of individual auto insurance policies. Nationwide does direct that only approved coverage contract documents be used by independent agents in the sale of auto insurance products. Persons typically involved in such communications may include people from the Regional Operations office, Product Compliance and Operations Services and the independent Agencies. Such communications are primarily stored on the Lotus Notes.

8. How are form underwriting documents for auto liability products developed? Who at Nationwide would be a likely custodian of such documents? How and where would records of such activity be found?

Response:

Product Compliance develops coverage forms such as policy contracts, coverage endorsements, etc., and ensures compliance with state statutes and regulators. Product Compliance and Underwriting would be likely custodians of such documents. Records of such activity would likely be found with Product Compliance and/or Underwriting and/or state regulators (Departments of Insurance).

Very truly yours,

SWARTZ CAMPBELL LLC

BY: \_\_\_\_\_  
Curtis P. Cheyney, III

CPC/dd

cc: John P. Marino, Esq. (via email)  
Nicholas E. Skiles, Esq. (via email)